

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 832 - HB 1038

February 17, 2013

SUMMARY OF BILL: Classifies attempted first degree murder where the victim suffers serious bodily injury as a Class A felony. Adds subsection to definition of first degree murder stating that attempted first degree murder where the victim suffers serious bodily injury as a Class A felony. Adds attempted first degree murder where the victim suffers serious bodily injury to the list of offenses in Tenn. Code Ann. § 40-35-501(i)(2) for which 100 percent of the sentence imposed must be served less any sentence credits, but no more than 15 percent of the imposed sentence may be reduced by sentence credits.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$135,700/Incarceration*

Assumptions:

- According to the Department of Correction (DOC), there has been an average of 40.8 admissions for attempted first degree murder over the last 10 years. It is assumed that 10 percent (4) of these resulted in serious bodily injury.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will account for 1 (4 x .1178) additional admission for a total of 5 (4 + 1).
- According to the DOC, 43.36 percent of offenders will re-offend within two years of their release. A recidivism discount of 43.36 percent has been applied to this estimate to account for the impact of offenders who would re-offend under current law within the additional time added by this bill. It is assumed that the re-offender would have committed the subsequent offense at the same felony level as under current law (5 offenders x .4336 = 2 offenders).
- The bill requires each offender to serve no less than 85 percent of his sentence received for attempted first degree murder where the victim suffers serious bodily injury. The average time served for attempted first degree murder is 13.1 years. The average sentence for attempted first degree murder is 17.68 years. The bill will result in each offender serving an additional 1.93 years [15.03 years (17.68 years, the average sentence for attempted first degree murder x .85, the least amount of the sentence that must be served) – 13.1 years, the average time served for attempted first degree murder).
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on three offenders [5 offenders – 2 offenders (recidivism discount)] serving an additional

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1.93 years (704.93 days) for a total of \$45,235 (\$64.17 x 704.93 days). The cost for three offenders is \$135,705 (\$45,235 x 3).

- The bill will not result in any additional convictions for attempted first degree murder. Rather, it enhances the punishment for certain attempted first degree murders already being committed.
- Any impact on the caseloads of the District Attorneys General Conference, the District Public Defenders Conference, or the courts can be accommodated within existing resources without an increased appropriation or reduced reversion.

**Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise".

Lucian D. Geise, Executive Director

/trm